

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

VACANT
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**PROPOSED AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
OCTOBER 26, 2004
9:00 A.M.**

ROLL CALL

Invocation – Pastor James Larry Williams
Pledge of Allegiance

REGULAR AGENDA

1. Responsibility for maintaining City property. [Robert D. Pickens]
2. Resolved: Whereas there is need for clarity and consistency in the enforcement of Code section 19.16.050 (H); the deputy director for building services shall not grant any waiver of preserving the natural state of arroyos in the city for public health, safety or welfare or any other reason. The Planning Department shall not recommend for approval any planned development that may require such waiver. All waivers to preservation of the natural state of any arroyo shall require approval by the City Council. Pending further definition of an arroyo by this council, all questions of whether a particular area is an arroyo or not shall be resolved with the presumption that it is an arroyo and approval of council shall be required prior to disturbance of the natural state.
[Stuart B. Mitchell, Mountain Arroyos Neighborhood Association]

MAYOR'S PROCLAMATIONS

1. ***HALLOWEEN HAPPINESS WEEK***
2. ***ARCHITECTS MONTH***
3. ***WEST TEXAS CONFEDERATION OF CLUBS TOY RUN WEEK***

RECOGNITION

Recognition of Ismael Baeza, El Paso taxi cab driver, who drove an elderly couple to Central Texas waiving their \$1200 fare. Ismael's citizenship and true love for humanity has been recognized nationwide.
[Representative Jose Alejandro Lozano, (915) 541-4515]

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

3. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meetings of September 21, 2004 and October 19, 2004 and reconsideration of the Regular City Council Meeting Minutes of October 5, 2004.

4. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

5. RESOLUTIONS:

5A. That the Mayor be authorized to sign a First Amendment to the Industrial Site Lease by and between the City of El Paso ("Lessor") and B & J Family Limited Partnership f/k/a Bobrow Family Limited Partners ("Lessee") for property municipally known and numbered as 1633 Airway, El Paso, Texas, to change the permitted uses and to clarify the terms of the percentage rent to be paid. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

5B. That the Mayor be authorized to sign a Memorandum of Agreement between the CITY OF EL PASO and WILLIAM LOCKRIDGE AND LOANDA LOCKRIDGE for the purchase of

Parcel 11-5,104 square feet, more or less, being a portion of Lot 12, Block 7, of Hueco View Acres, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat Records of El Paso County, Texas.

to be used for the Lee Boulevard Extension Project. **(District 5)**
[Building and Planning Services, Patricia D. Adauto, (915) 541-4853]

5C. A resolution formally commencing renewal proceedings for a Cable Television Franchise for the City of El Paso, Texas.
[City Manager, Joyce A. Wilson, (915) 541-4844]

5D. That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Seventeen Thousand Seven Hundred And No/100 Dollars (\$17,700.00 Grant Note-\$1,325.00, Loan Note-\$16,375.00), against the following described real property:

Lot 3, Block 15, First Revised Map Ranchland Hills Addition No. 4, an addition to the City of El Paso, El Paso County, Texas; according to the plat thereof on file in Book 17, Page 67, Plat Records of El Paso County, Texas; known and numbered as 1203 Cuba

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One Hundred Thirty Two and 30/100 Dollars (\$132.30). **(District 3)**

[Community and Human Development, Charles Ruiz, (915) 541-4221]

- 5E.** That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Ten Thousand And No/100 Dollars (\$10,000.00 Grant Note-\$5,000.00, Loan Note-\$5,000.00), against the following described real property:

Lots 26 and 27, Block 6, Hacienda Heights Corrected Map, an addition to the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 12, Page 6, Plat Records of El Paso County, Texas; known and numbered as 604 Ameca

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One and 99/100 Dollars (\$1.99). **(District 3)**

[Community and Human Development, Charles Ruiz, (915) 541-4221]

- 5F.** That the City Council approves the following waiver request from Josefina N. Acosta, an applicant for financial assistance under the City's First Time Homebuyers Program.

Chapter 6, Page 6-1, 6-2, Subsection I.A.3 and I.A.6, First Time Homebuyers Program requirements in the Community and Human Development Housing Programs Handbook as recommended by the Community and Human Development Director. **(All Districts)**

[Community and Human Development, Robert Soto, (915) 541-4639]

- 5G.** That the Mayor be authorized to sign Amendment Number 1 to Texas Commission on Environmental Quality (TCEQ) **Contract No. 582-4-64435** and all related documentation on behalf of the El Paso City-County Health and Environmental District. This amendment decreases the total compensation possible from TCEQ and amends the Agreement to allow it to be assigned or terminated upon the dissolution of the District. There is no additional cost to the City-County Health and Environmental District related to this amendment.

[El Paso City-County Health and Environmental District, Dr. Jorge C. Magaña, (915) 771-5702]

- 5H.** That the Mayor be authorized to sign an Agreement with the Texas Department of State Health Services for DSHS Document No. 7460007499 2005 Att. 12 and all related documentation on behalf of the El Paso City-County Health and Environmental District. This agreement relates to the performance of asbestos compliance activities beginning October 1, 2004 and ending December 31, 2004. There is no cost to the City-County Health and Environmental District related to this agreement.

[El Paso City-County Health and Environmental District, Dr. Jorge C. Magaña, (915) 771-5702]

- 5I.** Resolution authorizing the Mayor to sign, on behalf of the City, an Interim Agreement Regarding Forbearance Among the United States of America Department of the Interior Bureau of Reclamation; the El Paso County Water Improvement District Number 1; and the City of El Paso, on behalf of its El Paso Water Utilities Public Service Board; and, authorizing the El Paso Water Utilities General Manager to be the signatory on Farmer Forbearance Contracts and Assignments of Water Allocation to the City of El Paso, exhibits thereto.

[El Paso Water Utilities Public Service Board, Robert Andron, (915) 594-5506]

- 5J.** That the Mayor be authorized to sign a Third Amended Partnership Agreement between the Upper Rio Grande Workforce Development Board, Inc. and Top Chief Elected Officials of the Upper Rio Grande Workforce Development Area to extend the term of the Partnership's Agreement until October 31, 2005. There is no change to the remaining terms and conditions of the Agreement.

[Mayor's Office, Adrian Ocegueda, (915) 541-4145]

- 5K.** That the Election Administrator is authorized to set up mobile voting machines at:

Washington Park Senior Center

203 Washington Monday, October 18, 2004 from 9:00 a.m. to 4:00 p.m.

South El Paso Senior Citizen Center

600 S. Ochoa Monday, October 18, 2004, from 9:00 a.m. to 4:00 p.m.

El Paso Fire Administration

8600 Montana Friday, October 22, 2004 from 8:30 a.m. to 6:00 p.m.

El Paso Police Headquarters

911 N. Raynor Friday, October 22, 2004, from 8:30 a.m. to 6:00 p.m.

El Paso City Hall

2 Civic Center Plaza Tuesday, October 26, 2004, from 8:00 a.m. to 5:00 p.m.

to allow early voting for the November 2nd Election. The City Manager or the Municipal Clerk is authorized to designate exact location in City Hall Building.

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

- 5L.** That the Mayor, be authorized to sign a Memorandum of Understanding between the City of El Paso and the Department of Homeland Security, Customs and Border Protection, U.S. Border Patrol for reimbursement of overtime expenses from October 27, 2004 to January 22, 2005.

[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

6. Notice to set a public hearing to be held on November 16th, 2004 to determine if the property located at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 and 2610½ Aurora Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated August 3rd, 2004. The owners of record as of August 23rd, 2004, Hector Correa and Bertha Correa, 3116 Aurora Avenue, El Paso, Texas 79930, have been notified of the violations at this property. Delinquent taxes in the amount of \$0. **(District 2)** [Building Permits & Inspections, Tom Maguire, (915) 541-4588]
7. **REINSTATEMENT(S):** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:
 - 7A. Galceran, Rosario – Public Safety Dispatch Shift Supervisor
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]
 - 7B. Aranda, Javier – Police Officer
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]
8. Request to fill position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Secretary I (1)
[Mass Transit, Terry Lee Scott, (915) 534-5810]
9. **BOARD RE-APPOINTMENT:**

Laura Foster Kissack to the Fair Housing Task Force by Representative Robert A. Cushing, Jr., District 2. [Representative Robert A. Cushing, Jr., (915) 541-4996]
10. **BOARD APPOINTMENTS:**
 - 10A. Raymond L. Telles to the Commission on Border Relations by Representative Susan Austin, District 1. [Representative Susan Austin, (915) 541-4886]
 - 10B. Mary Lou Garcia to the Charitable Solicitations Commission by Representative Robert A. Cushing, Jr., District 2.
[Representative Robert A. Cushing, Jr., (915) 541-4996]
11. **DISCRETIONARY FUNDS:**
 - 11A. Representative Jose Alexandro Lozano authorizes the allocation of \$250 to the MultiPurpose Center for their Halloween Party to be held on October 31, 2004.
[Representative Jose Alexandro Lozano, (915) 541-4515]
 - 11B. Representative Jose Alexandro Lozano authorizes the allocation of \$250 to the Seville Recreation Center for their Halloween Party to be held on October 31, 2004. [Representative Jose Alexandro Lozano, (915) 541-4515]

12. CHANGE ORDER:

Approve Change Order No. Two for the Citywide Repair or Construction of Parkway Structures 2003/2004, Base Bid I (Contract No. 2003-060 C-1), with J.A.R. Concrete, Inc., as follows:

It has been determined that extraordinary increases have occurred in the global steel market. Therefore, in order to be fair and reasonable, contract unit prices are hereby adjusted due to such increases in steel costs. Item No.'s 32, 33, 34, and 44 are amended as shown on Change Order attachment, Exhibit A.

Item No.'s 36, 37, 38, 39 (related to wrought iron fencing), and 40, 41, 42 and 43 (related to chain link fencing), will no longer be used under this contract.

This is a unit price contract. This Change Order is processed for changes to unit price items as noted in the attachment. [Purchasing Department, Byron Johnson, (915) 541-4308]

13. BEST VALUE PROCUREMENT:

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

| | | |
|-------------|----------------------------|---------------------------------------|
| 13A. | Solicitation No.: 2004-253 | Janitorial Services-Northwest Corral |
| | Award to: | CCBS Building Services |
| | | El Paso, TX |
| | Item (s): | 1 |
| | Amount: | \$14,688.00 (yearly) |
| | Department: | Municipal Services, Maintenance Dept, |
| | Funds available: | 31010326-01101-502206 |
| | Funding source: | Operating Account, |
| | | Janitorial Maintenance Svcs Contract |
| | Total award: | \$44,064.00 |
| | District (s): | 8 |

Municipal Services Department and Purchasing recommend awards as indicated as this vendor has provided the Best Value Bid Procurement meeting specifications.

This is a thirty-six (36) month contract with no option to extend the term of this contract.

Additionally, CCBS Building Services offers a 1% 10 days prompt payment discount. [Purchasing Department, Ray Heredia, (915) 541-4316]

- 13B.** Solicitation No.: 2004-254 Automated External Defibrillators
Award to: Medtronic Emergency Response Systems
 Redmond, WA
Item (s): All
Amount: \$42,798.40

Department: Parks & Recreation
Funds available: 51010279-503112
Funding source: Parks & Recreation User Fees (Various)-
 Clinical Medical Supplies
Total award: \$42,798.40
District (s): **All**

Parks & Recreation, Fire - Emergency Medical Services and Purchasing Departments recommend award as indicated as Medtronics Emergency Response Systems, meets the Best Value to the City.

This is a one-time procurement with the option to purchase up to 100% of the total quantity amount, at the same unit prices for two (2) additional years.
[Purchasing Department, Ray Heredia, (915) 541-4316]

14. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

- 14A.** Solicitation No.: 2004-250 Less Lethal Munitions
Award to: C&G Wholesale Inc.
 Austin, TX.
Item (s): All
Amount: \$23,989.50

Department: Police
Funds available: 21010069-503109-01101
Funding source: General Funds
Total award: \$23,989.50
District (s): **All**

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

A lower bid was received but was deemed non-responsive as detailed in the backup.

This is a requirements type contract with an initial term of twenty-four (24) months with an annual estimated expenditure of \$26,000.00. Vendor offers the City the option to extend the term of the contract at the same prices for two (2) additional years if the option is exercised within two (2) years from the date of award. No prompt payment discount was offered.
[Purchasing Department, Alfonso Guerrero, Jr., (915) 541-4654]

- 14B.** Solicitation No.: 2004-252 Furniture
Award to: Factory Direct Home Furnishings
El Paso, TX
Item (s): All
Amount: \$25,690.00
Department: Fire Department
Funds available: 04200401-508009-29204
Funding source: FY2004 Capital Funds
Total award: \$25,690.00
District (s): All

The Fire and Purchasing Departments recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

A lower bid was received but was deemed non-responsive as detailed in the backup.

This is a fixed-price, single (one-time) purchase for furniture for the Fire Department.

An option is offered from the vendor to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within sixty [60] days, from the date of award of the contract. No prompt payment discount offered.

[Purchasing Department, Alfonso Guerrero, Jr., (915) 541-4654]

- 14C.** Solicitation No.: 2004-259 Explosive Ordinance Disposal Robot
Award to: Foster-Miller, Inc.
Waltham, MA
Item (s): 1 – One (1) Each with
Optional Items O1, O3 and O4
Amount: \$120,521.00
Department: El Paso Police Department
Funds available: 22150024-508007-07164-G220405
Funding source: Homeland Security Grant
Total award: \$120,521.00
District (s): All

The Police, Purchasing Departments and the Fire Department Office of Emergency Management recommend award as indicated as this vendor has provided the sole bid meeting specifications.

This is a fixed-price, single (one-time) purchase, to purchase one (1) Explosive Ordinance Disposal Robot. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

[Purchasing Department, Monica Vera, (915) 541-4234]

15. BUDGET TRANSFER: [Office of Management and Budget, David Almonte, (915) 541-4011]**BT2005-031 BUILDING AND PLANNING SERVICES**

Building and Planning Services proposes to establish appropriations for the Memorial Park Library Renovation. Funding source is Texas State Library grant. **(District 2)**

| | | | | |
|----------|-------------|----|------------------------------|--------------|
| Increase | \$59,808.29 | to | 31255001/P50155227679/508027 | Construction |
| Increase | \$59,808.29 | to | 31255001/P50155227679/407002 | Est Rev |

16. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

16A. The Southwestern Pride to hold a parade on June 4, 2005 from 11:00 a.m. to 1:00 p.m. Route: Start on Montana and St. Vrain, proceed on Montana to Mesa, south on Mesa to San Antonio, east on San Antonio to Ochoa, south on Ochoa to First St., and finish at First St. and Ochoa. Approximately 165 persons, 5 vehicles, 5 animals, 4 floats will take part and 300 spectators are anticipated. This request includes permission to use amplification (1 bullhorn and amplifier) PERMIT NO. 04-129 **(District 8)** [Jerry Correia]

16B. The El Paso Police Department to use amplification (Mobile Disco-1 microphone, 2 speakers, and 1 amplifier) at Album Park on November 6, 2004 from 12:00 p.m. to 2:00 p.m. Approximately 2,500 persons will take part and 2,500 spectators are anticipated. PERMIT NO. 04-136 **(District 5)**
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

16C. Morgan Marie Neighborhood Watch to block off 1248-1332 Morgan Marie St between Tender Foot and Amber Morgan on October 31, 2004 from 6:00 p.m. to 10:00 p.m. for a Halloween event. Approximately 50 persons will take part and 200 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Devices." **(District 6)** PERMIT NO. 04-140
[Sandie Sparks]

16D. Carrie Bagg to block off 6000 block of Calle Bonita Ln. October 30, 2004 from 4:00 p.m. to 8:00 p.m. for a block party. Approximately 30 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Devices." **(District 1)** PERMIT NO. 04-141 [Carrie Bagg]

- 16E.** Armijo Recreation Center/Southside Agencies to block off Seventh St. between Campbell and Florence, block off Florence St. between Sixth St. and Seventh St. on October 31, 2004 from 2:00 p.m. to 6:30 p.m. for a Halloween block party. Approximately 2,500 persons will take part and 2,500 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Devices". This request includes permission to use amplification (P.A. system and disco in Armijo Rec. Gym and Library patio). **(District 8)**
PERMIT NO. 04-138 [Sandy Rodriguez/Dean Fernandez]
- 16F.** Father Yermo ELC to hold a United Nations Day Celebration on October 29, 2004 from 2:00 p.m. to 3:00 p.m. Route: Start at 616 S. Virginia St., to Third St., turn left on Third St. to Ochoa, turn left on Ochoa to Father Rahm, turn left on Virginia St. and finish at Father Yermo ELC's playground. Approximately 90 persons will take part and 50 spectators are anticipated. PERMIT NO. 04-137 **(District 8)** [Alfredo Palacio]
- 16G.** Jesus & Mary Roman Catholic Church to hold a procession on October 31, 2004 from 11:00 a.m. to 12:00 p.m. Route: Start at 1401 W. Yandell Dr. to Missouri Ave., turn left on Missouri Ave. to 1020 Missouri, and turn back around the same route to 1401 W. Yandell Dr. Approximately 150 persons will take part. **(District 8)** PERMIT NO. 04-139 [Brother Louis]
- 16H.** Mexican Consulate to block off San Antonio between Virginia and St. Vrain on November 2, 2004 from 6:00 p.m. to 8:30 p.m. for a Day of the Dead ceremony. Approximately 30 persons will take part and 200-300 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Devices." PERMIT NO. 04-144 **(District 8)** [Victor M. Trevino]

- 16I.** Captain Otis Davis to hold a ruck march on October 28, 2004 from 3:00 a.m. to 9:00 a.m. Route: Start at the west side of Transmountain Rd. to Gateway South, turn right on Gateway South and finish at the Cohen Stadium parking lot. Approximately 550 persons and 20 vehicles will take part. PERMIT NO. 04-146 **(Districts 1 and 4)** [Captain Otis Davis]

REGULAR AGENDA

17. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

- 17A.** An ordinance rescinding ordinance 15628 and replacing with a special privilege to HCA Health Science of Texas, Inc. DBA Las Palmas Medical Center permitting the encroachments onto public rights-of-way with two (2) subsurface chiller water lines, one (1) subsurface concrete electrical duct bank, one (1) subsurface fire line, one (1) staff/patient sky bridge which will include cable and conduit, four (4) emergency fire doors, and one (1) metal awning along Oregon Street and Rim Road. (SP-04022, Total Annual Fee: \$11,000.00) **(District 1)**
[Building Permits & Inspections, Raymond Bonilla, (915) 541-4767]
- 17B.** An Ordinance authorizing the City of El Paso to participate in the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Providing Tax Incentives; supporting Application of Western Refining Company, L.P. to the Office of the Governor Economic Development & Tourism through the Economic Development Bank for designation as a qualified business and double jumbo project under the Act; Designating a Liaison for overseeing enterprise projects and communicating with interested parties. **(District 3)** [Economic Development, David G. Dobson, (915) 541-4680]
- 17C.** An Ordinance granting a Special Privilege to the Sun Bowl Association authorizing the encroachment of forty-two temporary street displays on city fixtures and utility poles on portions of Montana Avenue between Copia Street and Campbell Street designated as the Official Sun Bowl Parade Route and to place the Parade Logo onto the roadway on Montana Avenue between Ange Street and Virginia Street. SP-04024, Fee: \$2,010.00 **(District 8)**
[Planning Research and Development, Esther Guerrero, (915) 541-4720]
- 17D.** An Ordinance vacating a portion of an easement retained by Ordinance 8312 which vacated Williams Street between Blocks 53 & 54, Cotton Addition, City of El Paso, El Paso County, Texas. **(District 8)**
[Planning, Research & Development, Rudy Valdez, 541-4635]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 9, 2004 FOR ITEMS 17A – 17D

17E. An Ordinance changing the zoning of a portion of Tract 11B, Block 2, Ascarate Grant, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: JACS Properties, Inc. ZON04-00104 **(District 3)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]

17F. An Ordinance changing the zoning of a Portion of Tract 62, S.A. & M.G. Railroad Company Survey No. 267, El Paso, El Paso County, Texas (5210 Doniphan Drive) be changed from R-4 (Residential) to C-1 (Commercial) and Tract 58 S.A. & M.G. Railroad Company Survey No. 267, El Paso, El Paso County, Texas (122 Thorn Avenue) be changed from R-4 (Residential) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Seggy Corporation.
ZON04-00116 **(District 1)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 16, 2004 FOR ITEMS 17E – 17F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

18. MAYOR AND COUNCIL:

Discussion and action on the Annual Report by the Cable Communications Commission, and the Commission's recommendations and findings.

[Cable Communications Commission, Judy Maddox, Chairman, (915) 541-4550]

19. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

19A. Discussion and action on the request of West Texas Confederation of Clubs to hold a motorcycle toy run on November 7, 2004 from 11:15 a.m. to 12:30 p.m. Route: Start at the Stateline Restaurant on Sunland Park Drive to Paisano, proceed north on Paisano, east to Boone, south to Delta, east to North Loop, east to Lee Trevino, north to Gateway East, east to Margarita's Night Club (19.8 miles). Approximately 400 persons, 5 vehicles, and 250 motorcycles will take part. Request waiver of fees for \$15.75 for processing of application and waiver of fees for the necessary police traffic assistance. Signed affidavit submitted. PERMIT NO. 04-127 **(Districts 1, 3, 6, 7, and 8)** [Armando Parra]

- 19B.** Discussion and action on the request of United American Veterans Organization to hold a Veteran's Day parade on November 6, 2004 from 10:00 a.m. to 1:00 p.m. Route: Start at Myrtle and Florence, proceed west to Kansas, and turn left on Kansas to Overland, turn right on Overland to El Paso, turn right on El Paso to Mills St., turn right on Mills St. to Kansas St., turn right on Kansas St. to Texas, turn left on Texas to Florence and disband. The reviewing stand will be on the south side of San Jacinto Plaza on Mills St. Staging areas to be used: Florence, Ochoa, Virginia, St. Vrain, and one block on east side of Myrtle. Approximately 1,300 persons, 100 vehicles will take part and 4,000-5,000 spectators are anticipated. This request includes permission to use amplification (KBNA-1 microphone and amplifier across reviewing stand). Request waiver of fees for the necessary police traffic assistance. Signed affidavit submitted. PERMIT NO. 04-128 **(District 8)** [Ka Davis]
- 19C.** Discussion and action on the request of Operation Santa Claus to hold a toy delivery parade on December 10, 2004 from 1:00 p.m. to 3:00 p.m. Route: Start at Pleasonton/Chelsea gate, proceed on Chelsea to Paisano; proceed on Paisano to St. Vrain, turn left on St. Vrain to Sixth St., turn right on Sixth St. to Florence and finish at the Boys & Girls Club. Streets blocked will be Sixth St. between Ochoa & Campbell, Florence between Seventh St. & Father Rahm, and Ochoa between Seventh & Father Rahm. Approximately 200 persons, 27 vehicles will take part and 150 spectators are anticipated. This request includes permission to use amplification (400 amp with 2 speakers). Request waiver of fees for necessary police traffic assistance for a parade. Signed affidavit submitted. PERMIT NO. 04-098 **(Districts 3 & 8)** [Sergeant First Class James Prim]

20. BUILDING PERMITS & INSPECTIONS:

- 20A.** Discussion and action on a resolution that the Mayor be authorized to execute an agreement between the City of El Paso and West Texas Confederation of Clubs for the Motorcycle Toy Run on November 7, 2004, which constitutes an important public purpose of benefit to the City and citizens of El Paso. The Agreement provides that the City will make available the necessary funds to cover the costs of the on-duty police traffic control assistance, not to exceed twenty-five (25) on-duty police officers and twenty-five (25) vehicles for the parade.
[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

20B. Discussion and action on a resolution that the Mayor be authorized to execute an agreement between the City of El Paso and United American Veterans Organization for the Veterans' Day Parade on November 6, 2004, which constitutes an important public purpose of benefit to the City and citizens of El Paso. The Agreement provides that the City will make available the necessary funds to cover the costs of the on-duty police traffic control assistance, not to exceed thirty (30) on-duty police officers and thirty (30) vehicles for the parade.
[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

20C. Discussion and action on a resolution that the Mayor be authorized to execute an agreement between the City of El Paso and OpSanta, Inc., for the Operation Santa Claus parade and presentation of toys to El Paso children on December 10, 2004, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance, not to exceed thirty-four (34) on-duty police officers and thirty-four (34) vehicles for the parade.
[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

21. PURCHASING:

21A. Request rejection of RFP 2004-071R E-Government, E-Commerce & Integrated Voice Response System (Hosted) as recommended by Purchasing and Information Technology Department. Proposers failed to meet all the specified requirements as outlined in the Request.

This requirement will be reviewed by the user department.
[Purchasing Department, Ray Heredia, (915) 541-4316]

21B. Request approval for the Director of Purchasing to reject all offers submitted for Solicitation No. 2004-233, Speed Monitoring Trailers for the Police Department. Eight offers were received but only the highest offer met specifications. The offers ranged from \$45,675.00 to \$72,220.00, all good units. The only offer meeting specifications exceeds the \$60,000.00 budgeted for this purchase. Six of the offers were within \$60,000.00. The Police and Purchasing Departments recommend rejecting all offers and re-bidding with revised specifications in order to award solicitation within the budgeted amount.
[Purchasing Department, Alfonso Guerrero, Jr., (915) 541-4654]

22. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

22A. Discussion and action on a Resolution approving Detailed Site Development Plan No. ZON04-00070, for Tract 23 B, Block 29, Ysleta Grant and Tract 8H, Block 33, Ysleta Grant, El Paso, El Paso County, Texas (131 South Yarbrough Dr.) pursuant to zoning conditions as imposed by Ordinance No. 014916. The Penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ricardo Olague. **(District 7)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

- 22B.** Discussion and action on a Resolution approving Detailed Site Development Plan No. ZON04-00107, for Tract 17 G, Block 36, Ysleta Grant, El Paso, El Paso County, Texas (8613 Alameda Street), pursuant to zoning conditions as imposed by Ordinance No. 010372. The Penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Mario Betancourt. **(District 7)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]
- 22C.** An Ordinance changing the zoning of Lots 27, 28, and 29, Block 2, Val Verde Addition, El Paso, El Paso County, Texas (215 Concepcion Avenue) from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Steve Escamilla. ZON04-00109. **(District 3)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]
- 22D.** An Ordinance changing the zoning of Westerly 42 Feet of Lot 17 to 20 and the Westerly 42 Feet of the Southerly 16 feet of Lot 16, Block 20, Alexander Addition, El Paso, El Paso County, Texas (501 East California Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jamie Barron. ZON04-00110. **(District 8)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]
- 22E.** An Ordinance granting Special Permit No. ZON04-00064, to allow for infill development on Lots 1 - 4, Block 76C, Logan Heights, El Paso, El Paso County, Texas (Flory Avenue & Stevens Street), pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: R-4 (Residential). Applicant: Windridge Properties. **(District 2)**
[Planning, Research and Development, Kimberly Forsyth, (915) 541-4631]
- 22F.** An Ordinance changing the zoning of a portion of Hart Pre-emption Survey No. 2, El Paso, El Paso County, Texas from A-2 (Apartment) to C-3 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: MIMCO. ZON04-00089
(District 1) [Planning, Research and Development, Fred Lopez, (915) 541-4925]
- 23.** The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)
- Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 23A.** Discussion and action re *Resler Interstate 10 Development, Inc., and Hunt Building Company, Ltd. v. City Plan Commission of the City of El Paso, et al*, Cause No. 2004-4098 in the 41st District Court of El Paso County, Texas. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]
- 23B.** Discussion and action re *Patrick Garcia and Sandra Garcia v. City of El Paso, Texas*, Cause No. 2004-3786 in the 171st Judicial District Court of El Paso County, Texas. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]
- 23C.** Discussion and action re Luis Maldonado v. the City of El Paso, et al, Case No. EP-04-0043-PRM, in the United States District Court for the Western District of Texas. [City Attorney's Office, James A. Martinez, (915) 541-4550]
- 23D.** Discussion and action on applications to the El Paso County Water Improvement District Number One for City of El Paso use of District Real Property. (551.071) [City Attorney's Office, Theresa Cullen-Garney, (915) 541-4550]
- 23E.** Discussion, deliberation and action on economic development related negotiations with a business prospect; the possible offer of financial or other incentives to the business prospect; and authorization for the Mayor to sign a letter in support of an application by the business prospect to the State of Texas for designation as an enterprise project. (551.087) [City Attorney's Office, John Nance, (915) 541-4550]
- 23F.** Discussion and Action on Personnel Item - Clyde Overson (551.074) [City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]
- 23G.** Discussion and Action on Personnel Item - Alvaro (Al) Martinez (551.074) [City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

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